

THIRTY-FOURTH DAY
(Thursday, March 21, 1991)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sibley, Sims, Tejeda, Truan, Turner, Zaffirini.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

A quorum was announced present.

Dr. Charles I. Wright, Texas Baptist Children's Home, Round Rock, offered the invocation as follows:

Heavenly Father, we pray today that each of us might bring honor to Your name and be reflectors of Your love and mercy.

As we consider the principles and guidelines You have set forth for Your people to live by and as we consider the life, death and resurrection of Your beloved Son, Jesus Christ, we know You want all of us to be good and to do good.

We therefore pray today for the men and women of this distinguished Senate body, the Senators, the staff, the families of each, and for all those serving in government. We pray that each might be good and might do good. The need and task is so complex, so overwhelming and so vitally important. Bless and help the Senate, as a body and as individuals, to walk to the very edge of the light in search of complete information, knowledge, wisdom and faith before committing themselves to legislation that affects so many for so long.

Bless and care for this Senate. Encourage them when they are tired and lonely and discouraged and lift them by the provision of fresh strength, insight and wisdom. Look upon each with favor and give the gift of peace. God bless Texas and the United States of America. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Brooks.

Senator Green was granted leave of absence for today on account of important business on motion of Senator Zaffirini.

Senator Whitmire was granted leave of absence for today on account of illness on motion of Senator Brooks.

Senator Bivins was granted leave of absence for today on account of important business on motion of Senator Brooks.

CO-AUTHOR OF SENATE BILL 233

On motion of Senator Brooks and by unanimous consent, Senator Lyon will be shown as Co-author of S.B. 233.

CO-AUTHOR OF SENATE BILL 1099

On motion of Senator Carriker and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1099**.

CO-AUTHOR OF SENATE BILL 1340

On motion of Senator Parker and by unanimous consent, Senator Moncrief will be shown as Co-author of **S.B. 1340**.

MESSAGE FROM THE HOUSE

House Chamber
March 21, 1991

HONORABLE BOB BULLOCK
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 232, Relating to nonsubstantive additions to and corrections in enacted codes, including the nonsubstantive codification of various laws omitted from enacted codes, and to conforming codifications enacted by the 71st Legislature to other Acts of that legislature. (As substituted and amended)

S.B. 404, Relating to conforming the Health and Safety Code to certain Acts of the 71st Legislature, to nonsubstantively codifying in that code certain related health and safety laws, to making corrective changes in that code, and to making conforming changes to other laws involving health and safety matters.

S.C.R. 65, In memory of Cleto Rodriguez of San Antonio.

S.C.R. 77, In memory of Evelyn Krantz of Galveston.

S.C.R. 78, In memory of Chief of Police William John Burns of Galveston.

S.C.R. 76, Extending best wishes to the clergy, administration, and members of Mount Pilgrim Baptist Church on the occasion of its 120th anniversary.

S.C.R. 64, In appreciation to the residents of Windcrest for the community spirit displayed in the celebration of the Christmas season.

S.C.R. 59, Congratulating Susan and Johnny Horton on the adoption of their daughter, Rebecca Margaret Horton.

S.C.R. 58, Congratulating Mr. and Mrs. Harold Dutton, Sr., on their 50th wedding anniversary.

H.C.R. 140, Honoring Representative Barry Connelly.

H.C.R. 132, Designating April 6, 1991, as Chena Gilstrap Day in the State of Texas.

S.B. 376, Relating to the creation of a development corporation by certain cities and to the levy of a municipal sales and use tax for the corporation.

Respectfully submitted,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORTS OF STANDING COMMITTEES

Senator Lyon submitted the following report for the Committee on Criminal Justice:

S.B. 411
C.S.S.B. 583
C.S.S.B. 555
C.S.S.B. 717

Senator Moncrief, Acting Chair, submitted the following report for the Committee on State Affairs:

H.B. 820

Senator Parker submitted the following report for the Committee on Education:

S.B. 614
S.B. 479
S.B. 399
S.B. 678
S.B. 42 (Amended)
S.B. 481 (Amended)
C.S.S.C.R. 29
C.S.S.C.R. 30

Senator Dickson submitted the following report for the Committee on Economic Development:

S.B. 238 (Amended)
S.B. 324 (Amended)
C.S.S.B. 636
C.S.S.B. 595

Senator Barrientos submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with the recommendation that they be confirmed.

To be Members of the BOARD OF DIRECTORS, STATE BAR OF TEXAS: Charles O'Reilly, Collin County; Mrs. Jan Wilbur, Harris County.

To be Members of the BOARD OF DIRECTORS, LOWER COLORADO RIVER AUTHORITY: Ms. Maria Angela Flores Beck, Fayette County; Michael John Lucksinger, Burnet County.

To be Members of the TEXAS NATIONAL RESEARCH LABORATORY COMMISSION: Dr. Peter T. Flawn, Travis County; Jerome W. Johnson, Potter County; Charles R. Perry, Ector County; Ms. Martha E. Smiley, Travis County.

To be COMMISSIONER OF EDUCATION: Dr. Lionel R. Meno, Schenectady, New York.

To be Members of the PRODUCT COMMERCIALIZATION ADVISORY BOARD: Richard Martinez Ramirez, Fort Bend County; Richard Gail Sesler, Dallas County; Don Jeng Wang, Harris County; Brian L. Weiner, Bexar County; Thomas L. Whaley, Harrison County.

BILL AND RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill and resolution:

S.C.R. 48
S.B. 63

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
March 21, 1991

TO THE SENATE OF THE SEVENTY-SECOND LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE A MEMBER OF THE TEXAS COMMISSION ON JAIL STANDARDS,
for a term to expire January 31, 1997:

SHERIFF ALEX F. PEREZ
24 Greenway Drive
Brownsville, Texas 78520

Sheriff Perez will be replacing Johnny Klevenhagen of Houston, whose term expired.

TO BE A MEMBER OF THE TEXAS DEPARTMENT OF COMMERCE
BOARD OF DIRECTORS, for a term to expire February 1, 1993:

VANESSA DIANE GILMORE
7827 LaRochelle Circle
Houston, Texas 77071

Ms. Gilmore will be filling the unexpired term of Jack M. Rains of Houston, whose appointment was rejected by the Senate on March 4, 1991.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

(Senator Sims in Chair)

PERMISSION TO INTRODUCE BILLS

Senator Brooks moved to suspend Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) to permit the introduction of the following bills on first reading:

S.B. 1427	S.B. 1437
S.B. 1428	S.B. 1438
S.B. 1429	S.B. 1439
S.B. 1430	S.B. 1440
S.B. 1431	S.B. 1441
S.B. 1432	S.B. 1442
S.B. 1433	S.B. 1443
S.B. 1434	S.B. 1444

S.B. 1435**S.B. 1436****S.B. 1445****S.B. 1446****S.B. 1447**

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

(President in Chair)

SENATE RESOLUTION 393

Senator Sims offered the following resolution:

S.R. 393, Recognizing March 21, 1991, as Texas Agriculture Day and the week of March 17-23, 1991, as Agriculture Week.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced a group of fifth and sixth grade students from Parkdale Baptist School in Corpus Christi.

The Senate welcomed these young guests.

GUESTS PRESENTED

Senator Zaffirini was recognized and introduced a group of fourth grade students from Seele Elementary of New Braunfels.

Senator Zaffirini also introduced the senior class of Poteet High School.

The Senate welcomed these young people.

GUESTS PRESENTED

Senator Barrientos was recognized and introduced the Hornsby-Dunlap Elementary fourth grade class from the Del Valle Independent School District and their teachers, Sarah Hilgers, Kathy Wells, Marjorie Brown, Susan Peacock, Laura Goodwin and Jo Ann Reeves.

The Senate extended a warm welcome to the guests.

SENATE BILL 241 ON SECOND READING

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 241, Relating to motor vehicle and trailer leases that permit or require the rental price to be adjusted.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 241 ON THIRD READING

Senator Harris of Dallas moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 241** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 543 ON SECOND READING**

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 543, Relating to the continuation, functions, and operations of the Texas National Research Laboratory Commission and to the bonding authority of the commission, of finance corporations established by the commission, and of other state agencies.

The bill was read second time.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 1

Amend **C.S.S.B. 543** as follows:

On page 3 at line 41, add the following sentence after the word "465.021": The commission shall adopt rules to guide its purchase of mission-related items.

The amendment was read and was adopted by a viva voce vote.

Senator Moncrief offered the following amendment to the bill:

Floor Amendment No. 2

Amend **C.S.S.B. 543** as follows:

On page 4, after line 51, add new subsection (h).

(h) A person may not be hired by the commission or the executive director as a paid officer or employee a person who is related to a member of the commission by affinity within the second degree or consanguinity within the third degree.

The amendment was read and was adopted by a viva voce vote.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 3

Amend **C.S.S.B. 543**, SECTION 1, Section 465.003 by amending Subsection (c) by striking the sentence after 'state.' and adding the following sentence:

"Every effort shall be made to ensure that the members represent the population diversity and all geographic areas of this state."

The amendment was read and was adopted by a viva voce vote.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 4

Amend **C.S.S.B. 543**, SECTION 5, Section 465.0081 by amending Subsection (b) to read as follows:

(b) The commission by rule shall set and strive to meet annual goals for the awarding of state-funded contracts to disadvantaged businesses. Federally mandated goals may not be utilized to offset the State of Texas established goals for procurement and contracts.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 543 ON THIRD READING**

Senator Henderson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 543** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1117 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1117, Relating to the State Preservation Board.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1117 ON THIRD READING

Senator Haley moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 1117** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 180 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 180, Relating to the Texas peace officers' memorial and to memorial ceremonies within the Capitol Complex.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 180 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 180** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 401 ON SECOND READING

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 401, Relating to the continuation of the office of fire fighters' pension commissioner and the powers and duties of that officer and the state board of trustees of the statewide retirement system for volunteer fire fighters.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 401 ON THIRD READING

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 401** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 420 ON SECOND READING

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 420, Relating to inspections of places where blood samples are taken for investigation of individuals under suspicion of driving while intoxicated.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 420 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 420** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 201 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 201, Relating to the violation by a county clerk or the clerk's deputy of certain requirements relating to the filing of a subdivision plat or replat.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 201 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 201 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 515 ON SECOND READING**

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 515, Relating to retention and disposal of records by certain programs administered by the Texas Department of Health.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 515 ON THIRD READING**

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 515 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

SENATE BILL 278 WITH HOUSE AMENDMENT

Senator Johnson called S.B. 278 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment on Third Reading - Haggerty

Amend C.S.S.B. 278 on third reading as follows:

Page 2, line 19, strike "20" and substitute "30".

The amendment was read.

Senator Johnson moved to concur in the House amendment to S.B. 278.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

**COMMITTEE SUBSTITUTE
SENATE BILL 275 ON SECOND READING**

On motion of Senator Johnson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 275, Relating to the admissibility of evidence regarding family violence and prior acts of violence committed by the victim against the defendant.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 275 ON THIRD READING**

Senator Johnson moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.B. 275** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 11 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.J.R. 11, Proposing a constitutional amendment authorizing the commissioner of the General Land Office to issue patents for certain public free school fund land held in good faith under color of title for at least 50 years.

The resolution was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 11 ON THIRD READING**

Senator Sims moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 11** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The resolution was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

**COMMITTEE SUBSTITUTE
SENATE BILL 307 ON SECOND READING**

On motion of Senator Carriker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 307, Relating to the commissioner of health.

The bill was read second time and was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as voting “Nay” on the passage of the bill to engrossment.

**COMMITTEE SUBSTITUTE
SENATE BILL 307 ON THIRD READING**

Senator Carriker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.B. 307 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Barrientos, Brooks, Brown, Carriker, Dickson, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Johnson, Krier, Leedom, Lucio, Lyon, Moncrief, Montford, Parker, Ratliff, Rosson, Sims, Tejeda, Truan, Turner, Zaffirini.

Nays: Armbrister, Sibley.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 2. (Same as previous roll call)

SENATE BILL 409 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 409, Relating to further detention of certain persons.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend **S.B. 409** in the following manner:

Section 2, Sub-section 2(b), line 35, by deleting “a likelihood” and insert probable cause to believe.

Section 2, Sub-section 2(b), line 36, by deleting “increase or escalate” and insert continue.

Section 2, Sub-section 2(b), line 39, by adding after the word “hours” and before the period, after bond has been posted.

Section 2, Sub-section 2(b), line 41, by deleting “is satisfied” and insert concludes.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 409 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 409** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0. (Same as previous roll call)

CAPITOL PHYSICIAN

Senator Haley was recognized and presented Dr. C. H. McClure of Lufkin as the "Doctor for the Day."

The Senate welcomed Dr. McClure and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE BILL 412 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 412, Relating to the payment by a surety to a county of costs incurred by the county in the execution of an arrest warrant issued in response to the surrender by the surety of the principal.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 412 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that **S.B. 412** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

COMMITTEE SUBSTITUTE

SENATE BILL 291 ON SECOND READING

On motion of Senator Leedom and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 291, Relating to the authority of a municipality to control false security alarms.

The bill was read second time.

Senator Leedom offered the following amendment to the bill:

Amend **C.S.S.B. 291** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Subtitle A, Title 7, Local Government Code, is amended by adding Chapter 218 to read as follows:

CHAPTER 218. MUNICIPAL REGULATION OF ALARM SYSTEMS

Sec. 218.001. DEFINITIONS. In this chapter:

(1) "Alarm system" means a device or system that transmits a signal intended to summon police of a municipality in response to a burglary. The term includes an alarm that emits an audible signal on the exterior of a structure. The

term does not include an alarm installed on a vehicle unless the vehicle is used for a habitation at a permanent site or an alarm designed to alert only the inhabitants within the premises.

(2) "Permit" means a certificate, license, permit, or other form of permission that authorizes a person to engage in an action.

Sec. 218.002. CATEGORIES OF ALARM SYSTEMS. The category of alarm system to be regulated is burglary.

Sec. 218.003. DURATION OF MUNICIPAL PERMIT. (a) If a municipality adopts an ordinance that requires a person to obtain a permit from the municipality before a person may use an alarm system in the municipality, the ordinance must provide that the permit is valid for at least one year.

(b) This requirement does not affect the authority of the municipality to:

(1) revoke, suspend, or otherwise affect the duration of a permit for disciplinary reasons at any time during the period for which the permit is issued; or

(2) make a permit valid for a period of less than one year if necessary to conform the permit to the termination schedule established by the municipality for permits.

Sec. 218.004. FEE FOR MUNICIPAL PERMIT. If a municipality adopts an ordinance that requires a person to pay an annual fee to obtain a permit from the municipality before the person may use an alarm system in the municipality, the fee may not exceed the rate of \$50 a year.

Sec. 218.005. TERMINATION AND DISCRIMINATION. (a) Except as provided in Subsection (d) of this section, a municipality may not terminate its law enforcement response to a permit holder because of excess false alarms if the false alarm fees are paid in full.

(b) In permitting free false alarm responses and in setting false alarm fees, a municipality must administer any ordinance on a fair and equitable basis as determined by the governing body.

(c) A municipality may not terminate an alarm permit for non-renewal without providing at least 30 days notice.

(d) A municipality may set standards for systems to be permitted and may refuse to permit particular systems which in its discretion have a history of unreliability.

Sec. 218.006. ON-SITE INSPECTION REQUIRED. A municipality may not consider a false alarm to have occurred unless a response is made by an agency of the municipality within 30 minutes of the alarm notification and the agency determines from an inspection of the interior or exterior of the premises that the alarm was false.

Sec. 218.007. PENALTY LIMITATIONS. (a) A municipality may not impose a penalty or fee for the signaling of a false alarm by a burglar alarm system unless at least five other false alarms have occurred during the preceding 12-month period.

(b) A penalty or fee imposed for a false alarm must be established by ordinance based on the type and level of emergency response provided. This fee may not exceed \$50 in the case of the category of burglar alarms. The penalty or fee for a false alarm may not exceed the actual expenses incurred for the response.

SECTION 2. Chapter 218, Local Government Code, as added by this Act, applies only to a permit issued or renewed, a fee becoming due, or a municipal action taken on or after September 1, 1991.

SECTION 3. This Act takes effect September 1, 1991.

SECTION 4. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Leedom and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as voting "Present-not voting" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 291 ON THIRD READING

Senator Leedom moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 291 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 0, Present-not voting 1.

Present-not voting: Armbrister.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

The bill was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Armbrister asked to be recorded as voting "Present-not voting" on the final passage of the bill.

COMMITTEE SUBSTITUTE SENATE BILL 327 ON SECOND READING

On motion of Senator Lyon and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 327, Relating to the reporting of injuries to the Texas Department of Health; amending Title 2, Health and Safety Code; and declaring an emergency.

The bill was read second time and was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 327 ON THIRD READING

Senator Lyon moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 327 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 0.

Absent-excused: Bivins, Glasgow, Green, Whitmire.

SENATOR ANNOUNCED PRESENT

Senator Green, who had previously been recorded as "Absent-excused," was announced "Present."

The bill was read third time and was passed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Glasgow, Whitmire.

**HOUSE AMENDMENTS TO SENATE BILL 232
ORDERED NOT PRINTED**

On motion of Senator Haley and by unanimous consent, the House amendments to S.B. 232 were Ordered Not Printed.

**COMMITTEE SUBSTITUTE
SENATE BILL 270 ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 270, Relating to a surplus in an election services contract fund of a county.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 270 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that C.S.S.B. 270 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Glasgow, Whitmire.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 625 ON SECOND READING

On motion of Senator Green and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 625, Relating to the contents of an official voter registration application form.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **S.B. 625** by striking Section 1 of the bill and substituting the following:

SECTION 1. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that the giving of false information to procure the registration of a voter is a misdemeanor [felony].";

(2) a space for the applicant's registration number;

(3) a space for the number of the county election precinct in which the applicant resides and for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number; and
(6) a statement indicating that the furnishing of the applicant's election precinct number, driver's license number, personal identification card number, telephone number, and social security number is optional.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 625 ON THIRD READING

Senator Green moved that the Constitutional Rule and Senate Rule 7.20 requiring bills to be read on three several days be suspended and that S.B. 625 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 0.

Absent-excused: Bivins, Glasgow, Whitmire.

The bill was read third time and was passed by a viva voce vote.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Barrientos gave notice that he would on Monday, March 25, 1991, at the conclusion of Morning Call, submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 132 - (Moncrief): Designating April 6, 1991, as Chena Gilstrap Day in the State of Texas.

H.C.R. 145 - (Johnson): Honoring Dr. Thomas F. Freeman on the occasion of his 40th anniversary as minister of the Mount Horem Baptist Church.

S.R. 389 - By Moncrief: Extending congratulations to Robert L. Elliott of Fort Worth for achieving the rank of Eagle Scout.

S.R. 391 - By Sibley: Extending congratulations to Kari Ashcroft and commending her for her outstanding achievements as a member of the Corsicana 4-H Club and the Junior Future Farmers of America.

S.R. 392 - By Sibley: Extending congratulations to Jerry Jones, member of the Corsicana Future Farmers of America, for being named grand champion in the Dairy Division of the 1991 Navarro County Youth Exposition.

S.R. 395 - By Truan: Commending Judge Hilda Tagle for her inestimable contributions to the citizens of Corpus Christi and Nueces County.

S.R. 396 - By Bivins: Recognizing Amarillo College Radio Station KACV-FM/90 for being selected as the college radio station of the year.

S.R. 398 - By Barrientos: Welcoming the National State and Local Government Benefits Association upon its arrival in San Antonio, April 14, 1991, for its 10th Annual Conference.

S.R. 399 - By Green: Extending congratulations and best wishes to Anne Elizabeth Woodruff and Gardner Holbert Randall on the special event of their marriage to be held April 6, 1991, at All Saints Episcopal Church in Austin.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:27 p.m. adjourned, in memory of Judge Jack B. Miller of San Saba and Army Specialist Luis Roberto Delgado of Laredo, until 11:00 a.m. Monday, March 25, 1991.

APPENDIX

Sent to Governor
(March 21, 1991)

S.C.R. 38

S.C.R. 50

S.C.R. 56

S.C.R. 73

In Memory

of

Judge Jack B. Miller

Senator Dickson offered the following resolution:

(Senate Resolution 394)

WHEREAS, The City of San Saba and the State of Texas lost a valued friend and an outstanding lawyer with the death of Judge Jack B. Miller on February 18, 1991; and

WHEREAS, The retired judge had served as San Saba County Judge from 1948 to 1950, 33rd Judicial District Attorney from 1954 to 1960, and 33rd Judicial District Judge from 1960 to 1976; and

WHEREAS, After his retirement in 1977, the distinguished lawyer taught law courses at Saint Mary's University in San Antonio; and

WHEREAS, He was known as a fine judge who inspired deep affection in all those fortunate enough to work with him; and

WHEREAS, Judge Miller was appointed to the Board of Directors of the Lower Colorado River Authority for a six-year term by Governor Mark White in 1985; and

WHEREAS, He brought to his responsibilities at the Lower Colorado River Authority a strong sense of duty and a courageous spirit; and

WHEREAS, Ever mindful of the Lower Colorado River Authority's accountability to the customers, Judge Miller stressed greater respect for those the board served; and

WHEREAS, Judge Miller was a 1943 graduate of Texas A&M University with a bachelor's degree and a commission in the United States Army as a lieutenant; and

WHEREAS, He distinguished himself in the Pacific theater of war in World War II and fought valiantly in Korea with the 25th Infantry Division; and

WHEREAS, Judge Miller received his law degree from The University of Texas School of Law and won his first political race in 1948; and

WHEREAS, As county judge, he was instrumental in getting a hospital built for San Saba County, and for his efforts he was named San Saba County's Outstanding Citizen of the Year; and

WHEREAS, The high esteem in which Judge Miller was held by the citizens of San Saba resulted in his being elected mayor of the city in 1977; he remained in that office through 1984; and

WHEREAS, During his career, Judge Miller dedicated himself to a justice system that applies the law equitably to all individuals; he was known for his high moral character, loyalty, and leadership; and

WHEREAS, A staunch Democrat, he served on Governor Ann Richards' Capitol Council in the recent gubernatorial campaign; and

WHEREAS, Throughout his busy career, his family played an important part in his life; he married his childhood friend in 1943 and they were blessed with two sons and a daughter; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend heartfelt condolences to the family of Judge Jack B. Miller: his wife, Betty Jo; his sons, Joe Miller and Richard Miller; and his daughter, Martha Leigh Whitten; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Judge Jack B. Miller.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Dickson and by unanimous consent, the resolution was adopted by a rising vote of the Senate.

**In Memory
of
United States Army Specialist
Luis Roberto Delgado**

Senator Zaffirini offered the following resolution:

(Senate Resolution 351)

WHEREAS, United States Army Specialist Luis Roberto Delgado of Laredo, Texas, lost his life while participating in Operation Desert Storm on February 26, 1991; and

WHEREAS, The Senate of the State of Texas joins with his family and the citizens of the entire state in mourning this grievous loss; and

WHEREAS, Luis Delgado gave all that one man can give so that others would inherit a free land; and

WHEREAS, His unselfish sacrifice will always be remembered by his fellow soldiers and his grateful nation; and

WHEREAS, Sent to the Persian Gulf on February 1, 1991, from Fort Ord, California, Luis was assigned to C Company, 13th Engineer Battalion with the 7th Infantry Division; and

WHEREAS, The courageous soldier never wavered in carrying out the orders he received; he felt a strong sense of duty in accomplishing his mission; and

WHEREAS, An experienced career soldier, Luis completed his basic training at Fort Benning, Georgia, and was assigned to Wild Flecken Air Base from 1981 to 1987, patrolling the border between East and West Germany; and

WHEREAS, Proud of his role in serving his country, Luis took part in Operation Just Cause in Panama in 1989; during his current tour of duty, he was deployed with other engineers to supplement engineering units in Saudi Arabia; and

WHEREAS, Born in Puerto Rico on November 27, 1960, Luis moved with his family to the mainland when he was six and graduated from high school in Laredo before joining the Army; and

WHEREAS, He played an important part in restoring the country of Kuwait to its people and their freedom Luis fought so gallantly to achieve will strengthen the principles of democracy throughout the world; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 72nd Legislature, hereby extend heartfelt condolences to the members of his family on their bereavement: his wife, Marisol; and his children, Luis and Manuel; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the members of his family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of United States Army Specialist Luis Roberto Delgado.

On motion of Senator Truan and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

The resolution was previously adopted by the Senate on Wednesday, March 13, 1991.